



# GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

## 2005 REGULAR SESSION

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SENATE BILL NO. 74

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THURSDAY, FEBRUARY 10, 2005

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The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE March 18, 2005  
11:46 AM  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Sells

AN ACT relating to charitable gaming.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1 Section 1. KRS 238.570 is amended to read as follows:

2 (1) A fee is imposed on charitable gaming in the amount of fifty-three  
 3 ~~hundredths~~~~[four tenths]~~ of one percent (0.53%)~~[(0.4%)]~~ of gross receipts derived  
 4 from all charitable gaming conducted by charitable organizations required to be  
 5 licensed in the Commonwealth of Kentucky. Each licensed charitable organization  
 6 shall remit to the department all moneys due on a quarterly basis. Failure by a  
 7 licensed charitable organization to timely remit the fee required under this  
 8 subsection upon notice of delinquency shall constitute grounds for disciplinary  
 9 action in accordance with KRS 238.560.

10 (2) The charitable gaming regulatory account is hereby created as a revolving account  
 11 within the agency revenue fund and under the control of the Public Protection and  
 12 Regulation Cabinet. All revenues generated from the fee levied in subsection (1) of  
 13 this section from license fees and from administrative fines imposed by the  
 14 department shall be deposited in this account. Moneys in this account shall be  
 15 expended by the department only in the administration and enforcement of  
 16 provisions of this chapter. No later than July of each odd-numbered year, the  
 17 department shall assess the amount of funds raised by all fees levied in this chapter  
 18 and shall make recommendations to the Legislative Research Commission  
 19 concerning legislative amendments to adjust fee rates as indicated by the  
 20 assessment.

21 ~~[(3) If the provision of subsection (1) of this section that imposes a fee of four tenths of~~  
 22 ~~one percent (0.4%) of all gross receipts derived from all charitable gaming~~  
 23 ~~conducted by licensed charitable organizations is declared unconstitutional in a final~~  
 24 ~~decision of the highest appellate court of the Commonwealth of Kentucky, for the~~  
 25 ~~privilege of conducting charitable gaming in the Commonwealth of Kentucky, there~~


1       ~~is hereby levied upon the use, sale, rental, lease, or distribution by sale or by gift of~~  
2       ~~charitable gaming supplies and equipment a fee of ten percent (10%) of the value of~~  
3       ~~all supplies and equipment used, sold, rented, leased, or otherwise distributed by a~~  
4       ~~licensed distributor to any licensed charitable organization in the Commonwealth of~~  
5       ~~Kentucky.~~

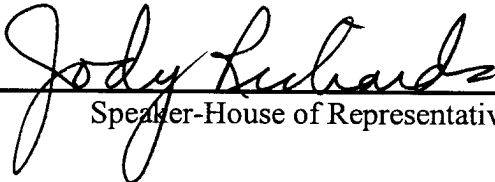
6       ~~(a) Every distributor of charitable gaming supplies and equipment shall pay and~~  
7       ~~report the fee levied pursuant to this subsection on or before the twentieth day~~  
8       ~~of the calendar month next succeeding the month in which possession of the~~  
9       ~~charitable gaming supplies and equipment is transferred from the distributor to~~  
10       ~~the licensed charitable organization, in accordance with administrative~~  
11       ~~regulations promulgated by the department.~~

12       ~~(b) The department may require a bond from distributors in accordance with the~~  
13       ~~administrative regulations promulgated by the department.~~

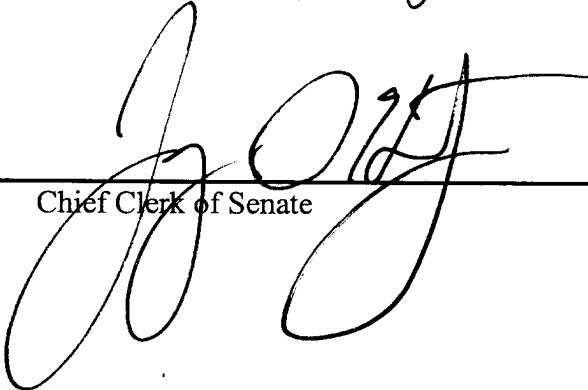
14       ~~(4) If the alternative license fee schedule as provided in subsection (3) of this section is~~  
15       ~~activated due to a final decision of the highest appellate court in the Commonwealth~~  
16       ~~of Kentucky as provided in subsection (3) of this section, the distributor's license~~  
17       ~~fee as provided in KRS 238.530(1) shall become inapplicable.]~~

18       Section 2. The amendment to subsection (1) of KRS 238.570 in Section 1 of this  
19       Act is retroactive to July 1, 2004.

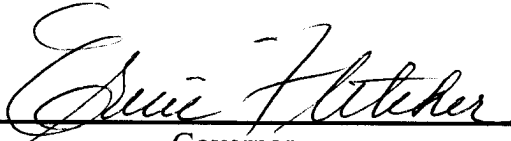
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker-House of Representatives


Attest:

  
\_\_\_\_\_  
Chief Clerk of Senate

Approved

  
\_\_\_\_\_  
Governor

Date

  
\_\_\_\_\_